

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

MEGAN WINSTEAD, TESSA BATCHELOR,)
APRIL CHANDLER, DENISE N. CLARK,)
LESLIE L. COOK, SHALEA DONEGAN,)
MELISSA GALANT, AMY JACKSON,)
CRISIE JENNINGS, STEVE ANTHONY KINSER,)
MILDRED ANASTASIA MAIN, LISA NOBLES,)
ALICIA OGLE, BRENDA ORCUTT,)
ANNA PALMER, KRISTEN RIALS,)
KAYLA SHERWOOD, LAUREN STEIER,)
ASHLEY A. SULLIVAN, ASHLEY THOMAS,)
and JAELYN E. YOUNT,)
Plaintiffs,)

v.)

Case No.: _____

BROOKHAVEN RETREAT, LLC,)
and JACQUELINE DAWES, Individually,)
Defendants.)

COMPLAINT

Plaintiffs, Megan Winstead, Tessa Batchelor, April Chandler, Denise N. Clark, Leslie L. Cook, Shalea Donegan, Melissa Galant, Amy Jackson, Crisie Jennings, Steve Anthony Kinser, Mildred Anastasia Main, Lisa Nobles, Alicia Ogle, Brenda Orcutt, Anna Palmer, Kristen Rials, Kayla Sherwood, Lauren Steier, Ashley A. Sullivan, Ashley Thomas, and Jaelyn E. Yount, (collectively, “Plaintiffs”), by and through counsel, and for their cause of action against Defendants, Brookhaven Retreat, LLC (“Brookhaven”) and Jacqueline Dawes (“Ms. Dawes”), Individually (collectively, “Defendants”), and state as follows:

I. INTRODUCTION

1. Plaintiffs bring this action against Defendants seeking legal relief and compensation because Defendants violated their federally protected rights under the Fair Labor Standards Act of 1938, 29 U.S.C. §201, *et. seq.*, (“FLSA”), and breach of contract.

2. Plaintiffs worked as various salaried and hourly employee positions at Brookhaven Retreat, LLC, a private care facility focused on women’s addiction and mental health issues.

3. Pursuant to the FLSA, at all times material hereto, Plaintiffs were hourly and non-exempt salaried employees of Defendants, working 40 or more hours per week. Therefore Plaintiffs are entitled to payment for all straight time and/or overtime worked. However, over two (2) pay periods or four (4) weeks, Defendants refused and/or failed to pay Plaintiffs any wages in which they were lawfully entitled.

4. During a four (4) week period prior to March 5, 2019, Defendants committed violations of the FLSA by requiring and/or suffering and/or permitting Plaintiffs to work (in most cases in excess of 40 hours per week) without receiving earned compensation, including pay for straight time and overtime pay as required by law. During said four (4) week time period, Defendants failed to pay Plaintiffs compensation for all time worked, and promptly and without prior notice to Plaintiffs, ceased operations on March 5, 2019.

II. THE PARTIES

5. Plaintiff, Megan Winstead resides at 446 Gammon Springs, Bean Stations, Tennessee 37708, Grainger County, and is a citizen and resident of the United States. Ms.

Winstead was employed by Defendants as a Nurse, and for the purposes of this civil action, during the four (4) week period prior to March 5, 2019, when Defendants ceased operations.

6. Plaintiff, Tessa Batchelor resides at 310 W. Jackson Ave., Apt. #310, Knoxville, Tennessee 37907, Knox County, and is a citizen and resident of the United States. Ms. Batchelor was employed by Defendants as a Primary Therapist, and for the purposes of this civil action, during the four (4) weeks period prior to March 5, 2019, when Defendants ceased operations.

7. Plaintiff April Chandler resides at 302 Alfred McCammon Road, Maryville, Tennessee, Blount County, and is a citizen and resident of the United States. Ms. Chandler was employed by Defendants as a Nurse, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

8. Plaintiff, Denise N. Clark resides at 2844 Grove Road, Mascot, Tennessee 37806, Knox County, and is a citizen and resident of the United States. Ms. Clark was employed by Defendants as a Housekeeper, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

9. Plaintiff, Leslie Cook resides at 2427 Willow Garden Circle, Talbott, Tennessee 37922, Jefferson County, and is a citizen and resident of the United States. Ms. Cook was employed by Defendants as a Program Director, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

10. Plaintiff Shalea Donegan resides at 848 Lakemont Drive, Apt. E, Louisville, Tennessee 37777, Blount County, and is a citizen and resident of the United States. Ms. Donegan was employed by Defendants as a Program Counselor, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

11. Plaintiff Melissa Galant resides at 2287 Arch Rock Drive, Sevierville, Tennessee 37876, Sevier County, and is a citizen and resident of the United States. Ms. Galant was employed by Defendants as a Nurse, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

12. Plaintiff Amy Jackson resides at 503 Elmira Lane, Maryville, Tennessee 37804, Blount County, and is a citizen and resident of the United States. Ms. Jackson was employed by Defendants as a Program Counselor, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

13. Plaintiff Crisie Jennings resides at 1325 Storm Lee Court, Sevierville, Tennessee 37876, Sevier County, and is a citizen and resident of the United States. Ms. Jennings was employed by Defendants as a Chef, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

14. Plaintiff Steve Anthony Kinser resides at 1418 Armstrong Ave., Apt. #4, Knoxville, Tennessee 37917, Knox County, and is a citizen and resident of the United States. Mr. Kinser was employed by Defendants as a Grounds Keeper, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

15. Plaintiff Mildred Anastasia Main resides at 9196 Fox Lake Drive, Knoxville, Tennessee 37923, Knox County, and is a citizen and resident of the United States. Ms. Main was employed by Defendants as a Counselor, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

16. Plaintiff Lisa Nobles resides at 205 North Rogers Road, Seymour, Tennessee 37865, Blount County, and is a citizen and resident of the United States. Ms. Nobles was

employed by Defendants as a Nurse, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

17. Plaintiff Alicia Ogle resides at 2348 Riverside Drive, Maryville, Tennessee 37804, Blount County, and is a citizen and resident of the United States. Ms. Ogle was employed by Defendants as a Nurse, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

18. Plaintiff Brenda Orcutt resides at 2925 Ramona Street, Knoxville, Tennessee 37921, Knox County, and is a citizen and resident of the United States. Ms. Orcutt was employed by Defendants as a Housekeeper, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

19. Plaintiff Anna Palmer resides at 908 Glensprings Drive, Knoxville, Tennessee 37922, Knox County, and is a citizen and resident of the United States. Ms. Palmer was employed by Defendants as a Group Therapist, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

20. Plaintiff Kristen Rials resides at 331 Boling Road, Seymour, Tennessee 37865, Blount County, and is a citizen and resident of the United States. Ms. Rials was employed by Defendants as a Chef, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

21. Plaintiff Kayla Sherwood resides at 710 Lantana Lane, Clinton, Tennessee 37716, Anderson County, and is a citizen and resident of the United States. Ms. Sherwood was employed by Defendants as a Communications Coordinator, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

22. Plaintiff Lauren Steier resides at 6835 Dorchester Drive, Knoxville, Tennessee 37909, Knox County, and is a citizen and resident of the United States. Ms. Steier was employed by Defendants as a Dietician, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

23. Plaintiff Ashley A. Sullivan resides at 452 Spradling Road, Bean Station, Tennessee, 37708, Grainger County, and is a citizen and resident of the United States. Ms. Sullivan was employed by Defendants as a Program Counselor, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

24. Plaintiff Ashley Thomas resides at 2259 Monterey Road, Talbott, Tennessee 37877, Hamblen County and is a citizen and resident of the United States. Ms. Thomas was employed by the Defendants as a Nurse, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

25. Plaintiff Jaelyn E. Yount resides at 2680 Broken Valley Road, Thorn Hill, Tennessee 37881, Grainger County, and is a citizen and resident of the United States. Ms. Yount was employed by Defendants as a Nurse, and for the purposes of this civil action during the four (4) week period prior to March 5, 2019 when Defendants ceased operations.

26. Defendant, Brookhaven Retreat, LLC operated as a private and comprehensive recovery retreat for women. It employed both hourly and salary positions, including, but not limited to, nurses, therapists, counselors, program directors, kitchen staff, housekeeping, office administrators and communication coordinators. Defendant Brookhaven, LLC is located at 1016 IC King Road, Seymour, Tennessee 37865. It may be served through its Registered Agent, Shelley S. Breeding at 900 S. Gay Street, Ste. 1900, Knoxville, Tennessee 37902.

27. Defendant Jacqueline Dawes is the owner and founder of Brookhaven Retreat, LLC. She resides at 7520 Parsonage Lane, Knoxville, Tennessee 37920.

28. During their employment with Defendants, Plaintiffs were non-exempt employees under the FLSA. Defendants agreed to pay Plaintiffs compensation and benefits for their labor. Plaintiffs were not paid any or all straight time and/or overtime compensation to which they were entitled under FLSA.

29. Plaintiff Tessa Batchelor was a salaried employee of Defendants, however due to Defendant's failure to pay Ms. Batchelor any wages over a four (4) week period, prior to March 5, 2019, Ms. Batchelor qualifies as a covered non-exempt employee and is therefore owed for straight time and overtime wages.

30. At all times material hereto this action, Plaintiffs were employees and/or statutory employees of Defendants defined by §203(e)(1) of the FLSA, and worked for Defendants at the Defendants place of business within Blount County, Tennessee and the territory of the United States within a four (4) week period prior to March 5, 2019.

31. At all times material hereto this action, each Defendant was an "Employer" of the Plaintiffs, as defined by §203(3) of the FLSA, and Ms. Dawes had supervisory authority over and made personnel, compensation and other business decisions that affected Plaintiffs' terms and conditions of employment.

III. JURISDICTION AND VENUE

32. This Court has subject matter jurisdiction over this action pursuant 28 U.S.C. §1331 regarding federal question jurisdiction and 29 U.S.C. §216(b).

33. Venue is proper in the Eastern District of Tennessee pursuant to 28 U.S.C. §1391(b-c).

IV. COUNT ONE – VIOLATION OF THE FLSA AND BREACH OF CONTRACT

34. Defendants have intentionally failed to comply with 29 U.S.C. §201-209, by failing to pay Plaintiffs their lawful straight time and over time compensation for hours worked, including accumulated paid time off. Plaintiffs were scheduled to be paid bi-weekly. At all times material hereto Plaintiffs' jobs consisted of both hourly and non-exempt salary positions, including, but not limited to, nurses, therapists, counselors, program directors, kitchen staff, housekeeping, office administrators and communication coordinators.

35. Defendants have violated their duty as defined by the applicable federal regulations, by unlawfully accepting the benefits of Plaintiffs' work efforts and refusing to accord them proper and lawful compensation.

36. In particular, Defendants requested and/or "suffered or permitted" Plaintiffs to work without proper compensation in violation of the FLSA and clear regulatory provisions and guidelines applicable to their operations.

37. By their actions alleged herein, Defendants willfully, knowingly, and/or recklessly violated the provisions of the FLSA and corresponding federal regulations.

38. Defendants have made no good faith effort to comply with the FLSA with respect to their compensation of Plaintiffs.

39. As a result of the unlawful acts of Defendants, Plaintiffs have been deprived their rightful compensation, including straight time, overtime, and compensation for accrued paid time off, in an amount to be determined at trial, and are entitled to recovery of such amounts, plus liquidated damages, prejudgment interest, attorneys' fees, costs, and all other compensation and relief permitted by applicable law.

40. When Plaintiffs were hired to work for Brookhaven, Defendants promised or contracted with them as a term and condition of their employment, that they would be paid for all time worked, whether hourly or by salary, and including overtime compensation when applicable.

41. Defendants breached their contracts of employment with Plaintiffs by failing to pay them the straight time or overtime wages and benefits the parties had agreed upon, during the four (4) week period prior to March 5, 2019. Plaintiffs have been damaged by Defendants' breach of their employment contracts, and they are entitled to payment of compensation and benefits in the amount of all unpaid straight time and overtime hours based on all wages earned and benefits, from the Defendants for which they were not paid or received.

42. As a result of the unlawful acts of Defendants, Plaintiffs have been deprived their rightful compensation, including straight time, overtime compensation and benefits in any amount to be determined at trial, and are entitled to recovery of such amounts, plus liquidated damages, prejudgment interest, attorneys' fees, costs and all other compensation and relief permitted by applicable law.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, pursuant to Section 216(b) of the FLSA, and pray for the following relief:

A. That all Plaintiffs be awarded damages in the amount of their respective unpaid compensation owed to them under the FLSA, plus an equal amount of liquidated damages and prejudgment and post-judgment interest; and

B. That all Plaintiffs be awarded damages in the amount of their respective unpaid compensation owed as a result of Defendants' breach of contract; and

- C. Reasonable attorney's fees; and
- D. Costs and expenses of this action; and
- E. Such other further legal and equitable relief, including but not limited to, any injunctive and/or declaratory relief to which they may be entitled.

Respectfully submitted,

/s/ Jeffrey C. Taylor
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